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8 Attorney for Defendant Las Vegas Valley Water District

9  
10 **UNITED STATES DISTRICT COURT**

11 **DISTRICT OF NEVADA**

12 TERRIS R. JONES SR.,

13 Plaintiff,

14 v.

15 LAS VEGAS VALLEY WATER DISTRICT;  
16 PATRICIA MAXWELL; FRANK MILLIGAN,

17 Defendants.

18 CASE NO.: 2:14-cv-01152-GMN-NJK

19 **MOTION FOR EXCEPTION TO  
REQUIREMENT THAT CARRIER BE IN  
ATTENDANCE AT SETTLEMENT  
CONFERENCE**

20 ENE Conference  
21 Date: October 23, 2014  
22 Time: 1:30 p.m.  
23 Magistrate Judge Leen

24 Defendant LAS VEGAS VALLEY WATER DISTRICT hereby requests that a representative  
25 of the Water District's insurance carrier be excused from personally appearing at the ENE  
26 Conference.

27 I. Introduction

28 Defendant Las Vegas Valley Water District<sup>1</sup> hereby requests that this Court excuse its  
insurance carrier from attending the ENE, which is scheduled for October 23, 2014. Per the Order  
setting the ENE, "if any party is subject to coverage by an insurance carrier, then a representative of  
the insurance carrier, with authority to settle this matter up to the full amount of the claim, must also  
be present in court..." (Doc. #12). Defendant will be attending the conference through the Water  
District's Director of Human Resources (Patricia Maxwell) and its counsel, both inside and outside.  
Its insurance carrier representative, David Barrocas, is located in Chicago, and would like to appear  
by phone, if necessary. Mr. Barrocas will vest counsel and the Human Resources Director with  
authority to resolve the matter, within their discretion, so that Defendant will be in a position to

<sup>1</sup> Service was never effected upon the individual defendants.

1 productively discuss resolution of the matter at the conference. Defendant is confident that its  
2 insurance carrier representative's absence should not impact the ability to resolve the matter, should  
3 resolution be appropriate.

4 II. Facts in Support of Requested Excuse

5 Plaintiff is a former security guard with LVVWD, who has instituted a series of actions  
6 against the District and a number of its employees, all arising from events occurring since late 2008.  
7 Through four federal actions, seven EEOC Claims, one mail fraud complaint, and one complaint  
8 seeking criminal prosecution of co-workers, Plaintiff asserts numerous and repetitive claims which  
9 distill down to allegations of discrimination and retaliation. Each of his cases, save the present case,  
10 has been dismissed. Two of the dismissals have been affirmed by the Ninth Circuit and the third is  
11 in the briefing stages. A Motion to Dismiss is pending in this matter.

12 This is the fourth ENE that has been scheduled between Mr. Jones and the Water District. At  
13 each of the previous ENE sessions, the Water District has attended, but no settlement could be  
14 reached. At each of the sessions, the Water District had authority to resolve the matter—it has never  
15 attended a session in bad faith or without authority. While it has an insurance policy that may  
16 provide coverage for the claims alleged, it has always requested and received an exemption from the  
17 personal attendance requirement for the carrier. Through this application, the Water District again  
18 seeks to exempt its insurance carrier representative, who is located in Chicago, from personally  
19 attending the conference. Further, as in previous sessions, it will attend this session in good faith  
20 with authority to resolve the matter.

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For the foregoing reasons, Defendant requests that Mr. Barrocas be exempted from the personal attendance requirement.

DATED this 7<sup>th</sup> day of October, 2014

# **WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP**

By: /s/Sheri M. Thome

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Sheri M. Thome, Esq.

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*Attorney for Defendant Las Vegas Valley  
Water District*

IT IS SO ORDERED this 15th day  
of October, 2014.

Peggy A. Leen  
United States Magistrate Judge

## **CERTIFICATE OF SERVICE**

Pursuant to FRCP 5(b), I certify that I am an employee of WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP and that on this 7<sup>th</sup> day of October, 2014, a true and correct copy of the foregoing **MOTION FOR EXCEPTION TO REQUIREMENT THAT CARRIER BE IN ATTENDANCE AT SETTLEMENT CONFERENCE** as follows:

- by placing same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada;
- via electronic means by operation of the Court's electronic filing system, upon each party in this case who is registered as an electronic case filing user with the Clerk;
- via hand-delivery to the addressees listed below;
- by transmitting via email the document listed above to the email address set forth below on this date before 5:p.m.

Terris R. Jones, Sr.  
715 S. Third Street, Apt. #7  
Las Vegas, Nevada 89101  
(702) 521-3523  
*Plaintiff in Proper Person*

By: /s/Annemarie Gourley

An Employee of  
**WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP**